

# **APPENDIX E**

## **Current Protective Zoning By-Law**

### **Section 4: SPECIAL REGULATIONS**

#### **Section 4.6**

#### **Section 4.7**

#### **Section 4.8**

#### **Section 4.9**

#### **4.6 Home Occupation - No Special Permit**

Home occupations shall be allowed without need for a Special Permit only if meeting all of the following:

- 4.6.1 The occupation shall be operated by a person residing on the premises, and shall employ on those premises not more than three (3) persons not resident thereon;
- 4.6.2 There shall be no evidence of the occupation through persistent or excessive sound, or through vibration, smell, or sight discernable at the boundaries of the premises, except for a sign as permitted in Sec. 6, MGL, or for display of produce raised on the premises;
- 4.6.3 Any exterior storage of materials or equipment or business-related parking shall be so located and screened (through location, grade, or vegetative screening), as to be in compliance with Section 4.6.2 above;
- 4.6.4 Not more than two (2) vehicles requiring registration as taxis, buses, or commercial vehicles shall be regularly parked outdoors on the premises. Such vehicles shall not weigh more than 15,000 lbs. or have more than two (2) axles;
- 4.6.5 Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics;
- 4.6.6 The occupation shall be conducted within a dwelling or accessory structure and occupy not more than twenty-five percent (25%) of the combined total floor area, and shall be in conformance with the Use Regulations.

#### **4.7 Home Occupation - Special Permit**

A Special Permit from the Board of Appeals shall be required for anything in excess of Section 4.6.

A Special Permit may be granted beyond these limits only if the Board of Appeals determines that the activities will not create hazard, disturbance to any abutter, or injury to the neighborhood, and will not create unsightliness visible from any public way or neighboring property.

Such Special Permit shall impose conditions and limitations as necessary to protect abutting properties and the public, including the limitation that the home occupation authorized by the Special Permit may not be transferred to a different operator without a new Special Permit, that the occupation shall be subject to compliance review by the Building Inspector at periods specified in the Special Permit, and that such permit may be revoked by a majority vote of the Board of Appeals at any time after notice and hearing, upon the Board's determination that the terms of the Special Permit are being violated.

#### **4.8 Home Occupation - Enforcement**

Home occupation uses shall be enforced as follows:

- 4.8.1 A certificate of Use and Occupancy must be obtained from the Building Inspector indicating compliance with these requirements prior to initiation of a home occupation.
- 4.8.2 The Building Inspector shall enforce these provisions and any person may request enforcement where a violation is believed to exist, as provided in Sec. 7 of Ch. 40A, MGL, and if dissatisfied with the outcome, such person may bring an appeal to the Board of Appeals for hearing and action as provided in Sec. 8 of Ch. 40A, MGL.

#### **4.9 Accessory Uses**

Accessory uses shall be on the same lot with the building of the owner or occupant except as otherwise provided herein and shall not alter the character of the premises on which they are located nor impair the neighborhood.

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development, may be permitted upon the issuance of a Special Permit provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.